

REMARKS

The above amendments and these remarks are responsive to the Office action dated September 8, 2006.

Prior to entry of this Amendment, claims 1-6 were cancelled and claims 7-23 remained pending. In the Office action, the Examiner rejected claims 7-9 and 13-17 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,114,285 to Brydon (Brydon) in view of U.S. Patent No. 5,085,285 to Morita et. al. (Morita). The Examiner rejected claims 10 and 11 under 35 U.S.C. 103(a) as being unpatentable over Brydon in view of Morita, and further in view of U.S. Patent No. 5,666,737 to Ryan, III (Ryan). The Examiner rejected claims 9-12 and 16 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Examiner restricted claims 18-23 as directed to an invention that is independent or distinct from the originally claimed invention.

Applicants respectfully traverse the rejections, and assert that the rejected claims are not obvious or anticipated in view of the cited art. Nevertheless, in order to further the prosecution of the present application to issuance of a patent and to more particularly point out selected aspects of the claims, applicants have withdrawn claims 18-23, cancelled claims 9-11 and 16, amended claims 7, 13, 14 and 17 and presented new claim 24. Applicants reserve the right to pursue any of the canceled claims in their original forms at a later time.

Furthermore, applicants have presented arguments showing that claims 7, 8 and 12-17 are not obvious in view of the cited art and comply with the written description requirement. In view of the amendments above, and the remarks below, applicants

respectfully request reconsideration of the application and allowance of the pending claims.

Rejections under 35 USC § 103

As noted, claims 7-9 and 13-17 have been rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,114,285 to Brydon in view of U.S. Patent No. 5,085,285 to Morita. Brydon discloses a channel shaped template for mounting door hardware. The template has two parallel sides and a third side bridging the two parallel sides. All three sides have holes serving as drill guides to prepare the door for mounting hardware. Morita discloses a template for drawing figures that includes lines marking center holes of the figures for aligning drawn figures.

Examiner rejected claim 10 and 11 under 35 U.S.C 103(a) as being unpatentable over Brydon in view of Morita, and further in view of U.S. Patent No. 5,666,737 to Ryan III. Ryan discloses a template with lines and holes for marking on a surface.

Applicants have amended claim 7 to include:

wherein the first set of one or more lines are, at least in part, not aligned.

Applicants have amended claim 14 to include:

where the configuration of holes in the template when mounted on the door corresponds to the position of door fixture mounting holes **and are, at least in part, not aligned.**

Neither Brydon, Morita nor Ryan disclose alone or in combination a set of holes or perforations with a set of connecting lines where the holes or lines are not aligned. Ryan and Morita both disclose a set of holes connected by lines. But

in both cases the holes and lines are aligned. Brydon discloses a set of holes but the holes are aligned and are not connected by lines or line segments. None of these references teaches a set of holes or perforations connected by lines where the lines and/or perforations are, at least in part, not aligned.

Claim 17 has been amended to state:

The fixture mounting preparation system of claim 14 where the template mounts on the door **without deflection of the first and second faces.**

Brydon at Col. 1 Line 67 teaches:

“The two opposing sides... are formed at an angle with side three such that they slightly converge so that when placed on the door, sides one and two are forced by the door to flex apart.” Brydon does not teach a door template that mounts without deflection of the sides or faces.

Rejections under 35 USC § 112

As noted above, claims 9-11 and 16 have been cancelled.

Claim 12 is directed to specific door hardware of parallel and regular arm door closers. Figs. 1 and 2 of the application show two sets holes in the template connected by lines. To one skilled in the art, these configurations and positioning of holes is clearly for the specific hardware disclosed. Further, Fig. 4 shows the template, including the two sets of holes of Figs. 1 and 2, mounted on the top of a door. This position at the top of the door is also characteristic of the position of a door closer.

Election and Restriction

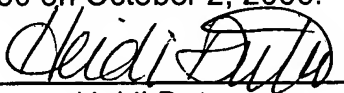
Applicants have withdrawn the method claims 18-23 in view of the Examiner's restriction requirement. Applicants reserve the right to rejoin the claims at a later time.

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims.

If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

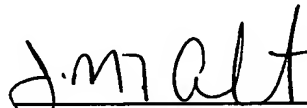
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 2, 2006.


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Respectfully submitted,

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